



ERB
ETHICS REVIEW BOARD

Ethics Review Board

Report of Activities FY 2010

Dear Citizens of New Orleans,

The single mission for the Ethics Review Board (ERB) is and must remain to regain and retain the public's trust and confidence in the honesty and integrity of city government, its elected officials and civil servants.

In less than four years the ERB, composed of private citizens from various walks of life have volunteered their time, energy and effort to give birth both to the ERB and the Office of Inspector General.. The Office of Inspector General is tasked with preventing and detecting fraud and abuse, and to promote efficiency and effectiveness in government. The Ethics Review Board seeks to uphold and enforce high ethical standards and promote the public's confidence in the City of New Orleans by establishing additional recommendations for the Code of Ethics, issuing advisory opinions, promulgating rules regarding the interpretation and enforcement of the Code of Ethics and referring cases for investigation on referral or complaint. The ERB also answers the question of who watches the watcher, as the ERB is the appointing authority of the Inspector General; responsible for hiring, evaluating and if necessary, terminating the Inspector General for cause.

The ERB has developed amended rules of operation and secured the passage of legislation to maintain the confidentiality of its investigations which will also protect the reputations of accused city employees until and unless charges are filed accusing the employee of violating the ethics code. The ERB also secured the passage of legislation which provides for appeals from the ERB's determinations after a hearing thus protecting the due process rights of city employees.

In order to make our meetings more open and available, the ERB has now scheduled all of its meetings in the City Council Chambers, where they may be viewed by the general public on the city's Cable Access Channel, live, and on regular replay. In the future, the ERB will be providing ethics education training for our city employees, elected officials and the public. Employee training and annual refreshers on ethical expectations will hopefully curb and eliminate the propensity by some to break the rules either because they were unaware of or unconcerned about them.

I am certain that I echo the sentiments of all of ERB Members when I say to you what a true honor and privilege it is to serve you, our fellow New Orleanians. May our great city become greater because we care.

Sincerely yours,

Rev. Cornelius Tilton, D.D.
Chair

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Mission Statement

The Ethics Review Board seeks to uphold and enforce high ethical standards and promote the public's confidence in the City of New Orleans by establishing additional recommendations for the Code of Ethics, issuing advisory opinions, promulgating rules regarding the interpretation and enforcement of the Code of Ethics, referring cases for investigation on referral or complaint, and imposing fines.

Functions and Authority

The Ethics Review Board is authorized by the Code of Ordinances for City of New Orleans to administer and enforce the provisions of the Code of Ethics of the City. The Code of Ethics was established to remind each public official and employee that individually and collectively, public officials and employees must adhere to high ethical standards not simply to avoid sanctions or criticism. It applies to all officials of the government of the city, whether elected or appointed; all employees, whether classified or unclassified; and all members and/or employees of all boards, agencies, commissions, advisory committees, public trusts, and public benefit corporations of the city. Any person may file a complaint concerning violations of the Code of Ethics with the ERB.

The ERB is empowered to represent the public interest in the administration of any law within its jurisdiction; offer and enter into consent opinions regarding violations of the provisions of any law within its jurisdictions; refer to fact-finding complaints, advisory opinions, media reports, oral reports, referrals, or any other source; prescribe rules of order, evidence, and procedure to govern its meetings, hearings, and investigations; take such steps as may be necessary to maintain proper order and decorum during the course of its hearings and other proceedings, consistent with the resolution of matters coming before it for consideration; and include on the agenda for Board consideration any matter that is of interest to any Board member and that is within the Board's jurisdiction.

Ethics Review Board Meetings

The Ethics Review Board holds monthly open meetings. The meeting locations rotated between Loyola University of New Orleans, Xavier University of New Orleans, and Southern University of New Orleans and commencing in the Fall, the City Council Chambers. It is intended that future meetings will be held at the City Council Chambers. Meetings are typically held the first Tuesday of every month at 2:30 P.M. Announcements concerning the ERB meeting location and agenda may be found on the announcement board within City Hall as well as on the Ethics Review Board's website: www.nolaethics.org.

Members of the Ethics Review Board

The board consists of seven volunteer members who serve staggered terms of seven years each. Six members were appointed by the mayor from lists of three nominees each submitted by the presidents or chancellors of Dillard University, Loyola University, Southern University in New Orleans (SUNO), Tulane University, University of New Orleans (UNO), and Xavier University. The seventh member was appointed by the mayor. Each appointment was subject to the approval by a majority of the members of the city council.

Those individuals who served as Members of the ERB during FY 2010 are:

Rev. Cornelius Tilton, D.D., Chair

Pastor, Irish Channel Christian Fellowship

Reverend Cornelius Tilton has 26 years of ministry leadership experience as a preacher, pastor and trainer in the para-church ministries in the greater New Orleans area. He is currently a pastor at the Irish Channel Christian Fellowship and the General President of the Christian Bible College of Louisiana. Rev. Tilton is also currently chairman of the Baptist Association of Greater New Orleans Administrative Committee and a trustee of the Louisiana Baptist Foundation. He has over 25 years of professional experience in business and academic administration, teaching, training, strategic planning, and human resources management in secular and religious institutions. Tilton has served as a business and computer consultant, hospital Community Relations Manager and Real Estate Broker.

For over 23 years, Tilton has been an active member of the local civic community serving on such boards as the Board for Audubon Montessori Charter School, the Committee for a Better New Orleans Housing Task Force and the New Orleans Emergency Food and Shelter Board, just to name a few. He has chaired the boards of the New Orleans Mission, New Orleans Area Habitat for Humanity and the Greater New Orleans Federation of Churches.

Elizabeth S. Nalty, Vice Chair

Community Activist

Ms. Elizabeth Nalty is an extremely active member of the New Orleans community. She is a member of many local boards such as the Board of Ogden Museum of Southern Art University of New Orleans, Board for the Hermann-Grima/Gallier Historic Houses, and the Board for the National Society of Colonial Dames in the State of Louisiana. Much of Ms. Nalty's time is devoted to the field of education as a member of the Board of Directors for Louise S. McGehee School, Board and Executive Committee of the Pennington Biomedical Research Foundation, the Cowen Institute for Public Education Initiatives Advisory Committee, and a member of Louisiana State University's Health Science Department of Psychiatry Advisory Board. She is a member of the board of Director's of Tulane University, New Orleans and a member of the Tulane University Hospital board and the Tulane Health Science Center board. Ms. Nalty also serves her community as the President of the Edward G. Schlieder Education Foundation Board, Vice Regent Emerita for the State of Louisiana Mount Vernon Ladies' Association, and a member of the Executive Committee for the Citizens for 1 Greater New Orleans.

Okyeame Haley, Secretary

Director of Planned Giving, Xavier University

Okyeame Haley is the son of the late civil-rights activists Richard Haley and Oretha Castle Haley. He earned a B.S. degree in Finance from Xavier University of Louisiana, a J.D. degree from Howard University School of Law, and an LL.M. degree in taxation from Washington University School of Law. He works at Xavier University as Director of Planned Giving and teaches in Xavier's Division of Business. He also partners with Haley & McKee, LLC on tax law matters. Okyeame serves as a board member with the Youth Empowerment Project, New Schools New Orleans, the Louisiana Supreme Court's Judicial Campaign Oversight Committee, and the A.P. Tureaud Legacy Committee. Previously, Okyeame worked as a law clerk for Louisiana Supreme Court Justice Bernette Johnson and Orleans Parish First City Court Judge Angelique Reed. Additionally, he worked in the United States Congress as a legislative aide to Congresswoman Maxine Waters and for the House Banking and Financial Services Committee. Okyeame was a member of Louisiana Governor Bobby Jindal's Economic Transition Team in 2007. He lives in New Orleans with his wife, Melissa, and their two children, Nia and Kai.

Dr. Michael A. Cowan

Dr. Michael A. Cowan is a psychologist and theologian. On the faculty of Loyola University since 1990, he also serves as special assistant to the university president. He was co-founder of the Jeremiah Group interracial and interfaith community organization and Shades of Praise, the New Orleans interracial gospel choir. After Hurricane Katrina he served as chief of staff of the Government Efficiency and Effectiveness committee of the bring New Orleans Back Commission, and subsequently founded Common Good, a network of civil society organizations to build multiracial consensus on the rebuilding of New Orleans. He served on the Human Relations Commission of the City of New Orleans from 2001-2008, and chaired the commission from 2002-2008.

Beverly C. Favre, Ph.D.

Southern University New Orleans

Dr. Beverly Favre is the Dean of the School of Social Work at Southern University of New Orleans (SUNO). Her background in this position draws from her experience as a social work practitioner, consultant, administrator and educator in New Orleans, California, Texas and Kentucky. Additionally, she has acted as a visiting professor at the University of Louisiana at Monroe, the University of New Orleans, Dillard University and University of Innsbruck in Innsbruck, Austria. Dr. Favre has been a gerontology consultant in New Orleans and Washington D.C. where she presented Aging research to the House & Senate committees on Aging and the Black Caucus. She managed the Women's Office for the Office of the Mayor and the Student Service Program at the University of Kentucky's Medical School.

Kathryn Venturatos Lorio

Professor of Law, Loyola University

Mrs. Kathryn Lorio is a Leon Sarpy Professor of Law at Loyola University in New Orleans. A twice recipient of the "Best Professor Award" and a recipient of the 2002 "Distinguished Professor Award" given by Louisiana Bar Foundation, Lorio began teaching at Loyola as an assistant professor in 1976 after working as an attorney for Deutsch, Kerrigan and Stiles. Mrs.

Lorio has authored many articles, contributed chapters to numerous books, and co-authored law textbooks including *Louisiana Successions and Donations* and *West Civil Law Treatise on Successions and Donations*. Her teaching and scholarly interests are in the areas of family law, civil law of successions and donations and the legal treatment of alternative reproductive techniques. She is active in law reform on the national level as a member of the American Law Institute as a member of the Consultative Group on Family Dissolution and Donative Transfers. In Louisiana, Lorio is a member of the Council of the Louisiana State Law Institute and a member of the Louisiana State Law Institute Successions and Donations Committee and the Marriage – Persons Committee.

Rev. Kevin Wm. Wildes, S.J., Ph.D., Past Chair

President, Loyola University

Reverend Kevin Wildes, S.J., is the current President of Loyola University New Orleans. Wildes entered the Society of Jesus in 1976 after graduating from Joseph’s University in Philadelphia. He holds advanced degrees in theology and philosophy, receiving his PhD from Rice University in 1993.

Prior to joining Loyola University, Wildes was a member of the Department of Philosophy and a Senior Research Scholar in the Kennedy Institute of Ethics at Georgetown University where he also held a secondary appointment in the Department of Medicine at the Georgetown University School of Medicine.

Currently, Wildes serves as associate editor to and on the editorial board of a number of ethics and medicine journals and book series, and he is a founding editor of the *Journal of Christian Bioethics*. Rev. Wildes is the editor or co-editor of four books and authored *Moral Acquaintances: Methodology in Bioethics* published by the University of Notre Dame in 2000. Wildes is a member of the boards of Loyola University Chicago and St. Joseph’s University in Philadelphia. He is active in the New Orleans community as a member of the New Orleans Business Council and serving on the national Board of Directors of Friends of New Orleans.

Dr. Beverly Wright

Dr. Wright is an environmental justice scholar and activist is the founder of the Deep South Center for Environmental Justice currently at Dillard University in New Orleans. The Center addresses environmental and health inequities along the Mississippi River Chemical Corridor and is a community/university partnership providing education, training, and job placement. Since Katrina, the Center has focused largely on research, policy, community outreach, assistance, and the education of displaced African-American residents of New Orleans.

Dr. Wright served on the Corps of Engineers’ Environmental Advisory Board, the Mayor’s Office of Environmental Affairs’ Brownfields Consortium, the U.S. Commission on Civil Rights and the New Orleans’ Select Committee for the Sewerage and Water Board, chaired the 2002 Second National People of Color Leadership Summit, and currently co-chairs the Environmental Justice Climate Change Initiative, is a member of the Commission Delegation to the U.N. Conference on Climate Change (COP15) and serves as the president of the African American Women of Purpose and Power in New Orleans. Dr. Wright received the Robert Wood Johnson Community Health Leadership Award in 2006, the 2008 EPA Environmental Justice

Achievement Award, the Rainbow PUSH Coalition 2008 Community Award, the Ford Motor Company's Freedom's Sisters Award in July of 2009 as well as the prestigious 2009 Heinz Award.

History of the Ethics Review Board

In 1996, citizens of New Orleans voted to amend the Home Rule Charter to mandate the Council to establish by ordinance an Ethics Review Board. Under that ordinance the ERB is empowered to issue advisory opinions, promulgate rules regarding interpretation and enforcement of the Code of Ethics, retain counsel and impose fines. Other relevant Charter provisions can be found in Article IX, Chapter 1 ("Board and Commissions in General"), as well as other provisions of the Home Rule Charter as it may relate to the context of the work of the ERB.

The selection of board members occurred in December 2006 at which time the members met to begin their initial task of educating themselves on their new role. Under Article XIII, Sec. 2-1120 (3) of the Code of Ordinances for the City of New Orleans, the newly formed ERB was required to begin a national search for the city's first inspector general. The inspector general search began in March 2007 and a final selection was made in June 2007. In the subsequent months, the inspector general and the ERB worked to secure an adequate joint budget appropriation for the Office of Inspector General and the Ethics Review Board in the amount of \$3.4 million. Additionally, in 2007 the ERB drafted Rules for the Ethics Review Board governing the transactions of its business.

Summary of Work Performed

The Ethics Review Board's objectives for 2010 were to: enter into a Memorandum of Understanding with the Office of Inspector General; identify, develop and implement a state legislative reform agenda and strategy concerning issues of confidentiality, subpoena authority and judicial review of decisions of the ERB; draft revised operating Rules; and, fine-tune and improve its web site.

- The Ethics Review Board entered into a Memorandum of Understanding with the Office of Inspector General which delineated a variety of cooperative endeavors between the ERB and the OIG.
- An OIG & ERB Subpoena Process and Recommended Protocol was successfully negotiated and approved by the Civil District Court for the Parish of Orleans which permits investigations to remain confidential and implements the subpoena requirements LA. R.S. 33:9613.
- The ERB successfully secured the passage of legislation which provides for appeals from local ethics boards (under the guidance and sponsorship of the legislation by former Representative Cedric Richmond). La. R.S. 33:9615.
- The ERB and OIG, successfully secured the passage of legislation which provides for exceptions to the public records act (under the guidance and sponsorship of the legislation by former Representative Cedric Richmond). La. R.S. 44:4.1(B)(18).

- The ERB appointed a committee to study and recommend proposed amendments to its Rules which will be considered in 2011.
- The ERB revised and revamped its website.
- Two ERB members attended the Council on Governmental Ethics Laws in December.
- In 2010 the Ethics Review Board received and docketed two (2) complaints concerning city officials and employees alleging ethical misconduct. The Ethics Review Board closed both matters as either not being within the jurisdiction of the Ethics Review Board, or without merit or sufficient corroborating evidence. One additional matter remained pending pursuant to an investigation authorized in 2009. The Board also considered one (1) request for an advisory opinion and referred the matter to the State Board of Ethics.

Filing Complaints

Any person may file a complaint concerning violations of the City's Code of Ethics with the Ethics Review Board.

Any public employee who reports information which the employee reasonably believes is a violation of any ordinance, statute, policy, order, rule, regulation or other ethical mandate is protected by the New Orleans Municipal Code Division 3. Code of Ethics, Subdivision 3. Generally, Section 2-772 (a) Freedom from reprisal and disclosure of improper acts, which states such employees "shall be free from discipline or reprisal for reporting such acts of alleged impropriety. An employee with authority to hire and fire, supervisor, agency head, or elected official may not subject to reprisal any public employee because of such employee's efforts to disclose such acts of alleged impropriety."

The Board may consider any matter that it has reason to believe may be a violation of any law within its jurisdiction, including but not limited to, a notice or report sent to the Board by the Inspector General. The Board may close the file, refer the matter to investigation, or take such other action as it deems appropriate.

Council on Governmental Ethics Laws

The Council on Governmental Ethics Laws (COGEL) was created in 1978 by a group of executives from newly-formed governmental ethics entities for the purpose of sharing information. COGEL conferences include a series of panel discussions, lectures, and workshops on topics of current concern to ethics administrators.

COGEL's mission is to enhance the professional development of its members in the areas of government ethics, elections, campaign finance, lobbying, and freedom of information and to promote government integrity throughout the world.

In 2010, the Ethics Review Board joined hundreds of other ethics agencies and commissions as a member of the Council on Governmental Ethics Laws. Two ERB members attended the December COGEL conference to network with other ethics entities and learn recognized best practices in the area of governmental ethics.

Future Work

In 2010 the Ethics Review Board will continue to work in cooperation with the Office of Inspector General. Board members and staff will network with other ethics entities to discover and implement best practices to further benefit the citizens of the City of New Orleans. A high priority for the board is to create and execute an ethics educational training program for the employees and citizens of the City of New Orleans. An ethics educational program will assist in preventing ethical violations within the government, will encourage employees to inform the board when violations occur and will educate the citizens of New Orleans about governmental ethics which hopefully will create higher expectations for elected officials and employees of the City of New Orleans. In that regard, in 2011 the Ethics Review Board intends to hire a new Executive Director who will be charged with the responsibility of developing and implementing an ethics education training curriculum for all public officials and employees of the City of New Orleans and shall be responsible for coordinating with the Louisiana Board of Ethics relative to the implementation of the mandatory ethics education requirements for public servants as required by La. R.S. 42:1170. The Ethics Review Board also intends to work towards strengthening the City of New Orleans Code of Ethics.